



UNITED
CEREBRAL
PALSY
ASSOCIATIONS

Advancing the independence of people with disabilities

EX-11111 OR LATE FILED

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September 29, 1997

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William F. Caton, Secretary
Federal Communications Commission (FCC)
1919 M Street, NW
Washington, DC 20554

**In the Matter of the Universal Service Report & Order/ and Proceedings on
Universal Service [FCC 97-246 CC Docket No. 96-45]**

Dear Secretary,

United Cerebral Palsy Associations (UCPA) offers this ex parte statement on
behalf of persons with disabilities in this matter.

Sincerely,

Jenifer Simpson
Community Services Division
United Cerebral Palsy Associations, Inc.
1660 L Street, N.W., Suite 700
Washington, DC 20036

cc: Irene Slannery, Esq., Staff Attorney, Common Carrier Division, Federal
Communications Commission (FCC)
William Riley, U.S. Secretary of Education
Judith Heuman, Assistant Secretary for Special Education, Office of
Special Education and Rehabilitative Services (OSERS)
Thomas Hehir, Director, Office of Special Education Programs (OSEP)

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Universal Service Report & Order
and Proceedings on Universal Service

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CC Docket No. 96-45
FCC 97-246

September 29, 1997

EX PARTE: PERSONS WITH DISABILITIES

Pursuant to the May 8, 1997 Universal Service Report and Order implementing section 254 of the Communications Act of 1934, and with respect to schools and libraries and the administration of the federal universal service support mechanism for schools, libraries, and rural health care providers.

In establishment of approaches to the distribution of monies under these mechanisms, and on behalf of all persons with disabilities, this national disability services organization requests inclusion of disability-specific language in the creation of forms and any supporting materials for distribution mechanisms.

Two-thirds of children with disabilities in the public school system remain in segregated school settings, apart from their peers in regular education. They can be in different buildings, different towns or sent to 'resource rooms' for specific services. Absent specificity of inclusion of children with disabilities as an assurance in monies applications, many children with disabilities will be unlikely to receive the benefits of initiatives and activities resulting from such monies due to the history of segregation between administrations of such programs within School Education Agencies and Local Education Authorities. We see no reason why segregative practices that exclude spending in these settings should be supported by Universal Services funds monies when it is possible to foresee and forestall such inequity.

Furthermore the Commission is well within the law to require mention of people with disabilities as beneficiaries of initiatives by schools and libraries acting on these monies. The access needs of individuals with disabilities are already established as a principle within the new Telecommunications Act.¹ And within the provisions for universal service other principles are permitted consideration.² [Also Ref. Comments of United Cerebral Palsy Associations, American Foundation for the Blind, and National Association of the Deaf, *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, filed with the FCC in May 1996.]

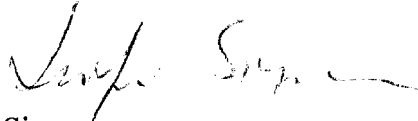
¹ Secs. 255, 256 and 305, have specific disability safeguards.

² Sec. 254, P.L. 104-104. "....(B) (7) *Additional Principles.-Such other principles as the joint board and the commission determine are necessary and appropriate for the protection of the public interest, convenience, and necessity and are consistent with this Act.*"

We urge inclusion of mention of persons with disabilities as persons to benefit from distribution of monies under the Universal Service Order and activities of the Joint-Board.

UCPA recommends creation of a check-off box on the application that assures an understanding by applicants that all students does mean 'students with disabilities' as well, regardless of where their educational placement is.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jenifer Simpson", written in a cursive style.

Jenifer Simpson
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